IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.4238 OF 2004

Bank Karmachari Sangh ..Petitioner

Vs.

Shri B.G.Yashod and others. ..Respondents

Mr.P.M.Huddar with Mr. A.S.Rao for Petitioner
Mr.C.R.Sonawane, A.G.P. for Repondent nos.1 and 4
Dr.V.K.Choudhary for Respondent nos.2 and 3.

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 17TH FEBRUARY, 2005.

P.C.

. Rule. Heard forthwith.

. We see from the record that there is some dispute amongst office bearers and members of the Petitioner Union. Complaints have been filed by Respondent no.1 that Shri Shreeram Bhide has been removed from the rolls of the Rupee Co-operative Bank Limited with effect from 28th January, 2003 and therefore as per the constitution of the Union he has been disqualified as member of the Union and hence he has been removed from Presidentship of Union. Acting upon that the first Respondent issued an order not to permit Shriram Bhide to operate the account opened in the name of Bank Karmachari Sangh and/or allow to deal with the accounts for any reason.

. The grievance of the Petitioner Union here is that neither they nor Shriram Bhide were heard before such an order has been passed, and that the order has been passed for extraneous reasons. Various other contentions have been raised, which we do not propose to go into.The issue really is whether Respondent no.1 could have issued the order on 17th April, 2004 without giving opportunity either to the Petitioner or to Shriram Bhide. In our opinion the order visits the Petitioner and Shriram Bhide with civil consequences. In the light of that before passing the order which according to Respondent no.2 and 3 has been issued in the exercise of Section 79 by Respondent no.1, at least an opportunity had to be given, which has not been done. There is therefore violation of principles of natural justice and fair play. In the light of that the following order:-

(i). Petition made absolute in terms of prayer clause (a).

(ii). The matter is remanded back to Respondent no.1 who after giving an opportunity to the Petitioners herein, Shriram Bhide and to the complainant who has made a complaint to dispose of the complaint by answering all contentions which the

Petitioner, Shriram Bhide and the complainant may raise.

(iii). Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)